IN THE CIRCUIT COURT OF WARREN COUNTY
STATE OF MISSOURI

THOMAS C. GRAY,

Plaintiff,

v.

ALEJANDRO M. MEDINA,

Serve at: 1968 College Blvd., Apt. 263
Oceanside, CA 92056

CRST INTERNATIONAL INC.,

Serve at: 3936 16th Ave. SW
PO Box 68
Cedar Rapids, IA 52406

JUSTIN W. MADILL,

Serve at: 8701 Blesson Rd.
Amarillo, TX 79119

LAS ANIMAS TRANSFER INC.,

Serve at: 242 Bent Ave.
Las Animas, CO 81054

Defendants.

Cause No.:

Div:

TRIAL BY JURY DEMANDED

PETITION

COMES NOW, Plaintiff Thomas C. Gray, by and through his undersigned counsel, and state the following for his cause of action of Defendants, state the following:

ALLEGATIONS APPLICABLE TO ALL COUNTS

1. Plaintiff Thomas C. Gray is a citizen and resident of Davidson County, Tennessee.

2. Defendant Alejandro M. Medina is a citizen and resident of Oceanside, California. At all relevant times, Defendant Medina was acting as an agent and/or employee of Defendant CRST Expedited, Inc.

3. Defendant CRST Expedited, Inc. operates an interstate transportation business from their corporate headquarters.

4. Prior to September 10, 2014, Defendant Medina worked as an over-the-road truck driver for Defendant CRST. Defendant CRST reviewed Medina's background, sought to comply with applicable federal and state regulations in hiring and retaining Medina as an employee, hired Medina as an employees, trained Medina as a driver, sought to monitor Medina's driving of CRST vehicles, directed Medina's activities as its driver, kept track of Medina's hours worked and location of his vehicle at all times, and paid Medina for his work as an employee. Defendant CRST trained Medina on how to respond to a minor traffic collisions on a roadway and how to address and react to emergency conditions, which truck drivers encounter on a daily basis on highways in the United States.

5. On September 10, 2014, Alyssa Brown, Julie Green and Defendant Medina, were driving eastbound on Highway 70 in Warren County, Missouri at approximately mile post 194. It was raining and wet at that time.

6. Alyssa Green's vehicle struck the front left side of Defendant Medina's tractor trailer.

7. After the impact with Green, Defendant Medina steered his 2014 Volvo VNL tractor trailer straight for a period of time and then went to the left. Defendant Medina drove his tractor trailer across the left lane, traveled off the left side of the

roadway into the median, struck and went through the median cable barrier, rolled over, and continued onto the westbound interstate 70 highway.

8. At the same time as the events in the paragraphs immediately above, Thomas C. Gray was driving a 2009 International Harvester tractor trailer westbound on Highway 70. Without sufficient warning, Thomas C. Gray's vehicle crashed into Defendant Medina's trailer which had travelled perpendicular to Gray's vehicle on the roadway where Plaintiff was driving. Other vehicles were also impacted including another tractor trailer, a Chrysler 300 vehicle, a Dodge Avenger, and a Ford Fusion vehicle.

9. Several people sustained serious injuries in these collisions and the driver of the Chrysler 300 died in this collision.

10. Venue is proper in Warren County pursuant to Mo. Rev. Stat. §508.010.

COUNT I

COMES NOW, Plaintiff Thomas C. Gray, and states the following for his cause of action against Defendant Alejandro Medina:

11. Plaintiff adopts and incorporates the Allegations Applicable to All Counts as though fully set forth herein.

12. Plaintiff Thomas C. Gray was injured because of Defendant Medina's negligence in one or more of the following respects:

a) Defendant was driving too fast for conditions;

b) Defendant's tractor trailer was on the wrong side of the road;

c) Defendant failed to keep a careful lookout;

d) Defendant failed to yield the right of way.

e) Defendant drove the vehicle with a suspended and/or revoked license in violation of the law;

f) Defendant failed to obtain proper training and/or education to properly operate the vehicle he was driving at the time of the accident;

g) Defendant failed to maintain and/or inspect his vehicle to make sure that it was in proper working condition, specifically failing to maintain and/or inspect the brakes on the vehicle; and/or

h) Defendant knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped and/or swerved, and/or slackened speed, and/or sounded a warning but failed to do so.

13. As a direct and proximate result of the negligence and carelessness of Defendant Medina described herein, Plaintiff Thomas C. Gray was injured and suffered damages, including tension pneumothorax, traumatic brain injury, sternal fracture, and multiple rib fractures. Plaintiff underwent extensive medical care and surgery for his injuries. Plaintiff will need additional medical care in the future. In addition to those physical injuries listed herein, Plaintiff suffered and continues to suffer from mental injuries including residual posttraumatic stress disorder, flashbacks, nightmares and anxiety related to the accident. Plaintiff has suffered pain in the past and will do so in the future. Plaintiff has received permanent injuries and disability from Defendants negligence.

14. As a result of his injuries, Plaintiff has sustained, and will in the future sustain, damages for medical bills and costs relating to medical treatment for his injuries.

15. As a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff missed work and lost wages in the past and will in the future.

WHEREFORE, Plaintiff Thomas C. Gray prays for a judgment against Defendant Alejandro Medina for all his damages in an amount determined by the jury greater than the $25,000.00 jurisdictional limits of this Court, and for any further just and proper relief.

COUNT II

COMES NOW, Plaintiff Thomas C. Gray, and states the following for his cause of action Defendant CRST Expedited, Inc.:

16. Plaintiff adopts and incorporates the Allegations Applicable to All Counts as though fully set forth herein.

17. As the employer and principle of Defendant Medina, Defendant CRST Expedited, Inc. is vicariously liable for the actions of Defendant Medina.

18. Plaintiff Thomas C. Gray was injured because of Defendant CRST Expedited, Inc.'s negligence, acting through its employee and agent Defendant Medina, in one or more of the following respects:

a) Defendant was driving too fast for conditions;

b) Defendant's tractor trailer was on the wrong side of the road;

c) Defendant failed to keep a careful lookout;

d) Defendant failed to yield the right of way.

e) Defendant drove the vehicle with a suspended and/or revoked license in violation of the law;

f) Defendant failed to obtain proper training and/or education to properly operate the vehicle he was driving at the time of the accident;

g) Defendant failed to maintain and/or inspect his vehicle to make sure that it was in proper working condition, specifically failing to maintain and/or inspect the brakes on the vehicle; and/or

h) Defendant knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped and/or swerved, and/or slackened speed, and/or sounded a warning but failed to do so.

i) Defendant allowed Defendant Medina to drive for Defendant CRST Expedited, Inc. while Defendant Medina's license was suspended and/or revoked;

j) Defendant employed and/or failed to properly train Defendant Medina to drive the vehicle he was driving at the time of the accident;

k) Defendant failed to properly screen Defendant Medina for medical problems, including black outs, before allowing him to drive the vehicle he was driving at the time of the accident; and/or;

l) Defendant failed to properly inspect the vehicle Defendant Medina was driving at the time of the accident and/or failed to repair or replace defective, broken or damages parts of the vehicle including, but not limited to, the brakes.

19. As a direct and proximate result of the negligence and carelessness of Defendant CRST Expedited, Inc. described herein, Plaintiff Thomas C. Gray was injured and suffered damages, including tension pneumothorax, traumatic brain injury, sternal fracture, and multiple rib fractures. Plaintiff underwent extensive medical care and surgery for his injuries. Plaintiff will need additional medical care in the future. In addition to those physical injuries listed herein, Plaintiff suffered and continues to suffer from mental injuries including residual posttraumatic stress disorder, flashbacks, nightmares and anxiety related to the accident. Plaintiff has suffered pain in the past and will do so in the future. Plaintiff has received permanent injuries and disability from Defendants negligence.

20. As a result of his injuries, Plaintiff has sustained, and will in the future sustain, damages for medical bills and costs relating to medical treatment for his injuries.

21. As a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff missed work and lost wages in the past and will in the future.

WHEREFORE, Plaintiff Thomas C. Gray prays for a judgment against Defendant CRST Expedited, Inc. for all his damages in an amount determined by the jury greater than the $25,000.00 jurisdictional limits of this Court, and for any further just and proper relief.

COUNT III

COMES NOW, Plaintiff Thomas C. Gray, and states the following for his cause of action against Defendants Alejandro Medina and CRST Expedited, Inc.:

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22. Plaintiff adopts and incorporates the paragraphs 1 through 22 of this Petition as though fully set forth herein.

23. Defendant CRST Expedited, Inc. and Defendant Alejandro Medina were negligent per se by violating Missouri Revised Statute 304.015 in the following particulars:

a) Defendant Medina and Defendant CRST Expedited, Inc. drove their vehicle without their right hand side as near as possible to the right hand side of the highway as practicable;

b) Defendant Medina and Defendant CRST Expedited, Inc. operated their vehicle on the left hand side of a physical barrier dividing a highway into two or more roadways;

c) Defendant Medina and Defendant CRST Expedited, Inc. operated a vehicle in excess of 48,000 pounds in the far left hand lane;

24. As a direct and proximate result of the negligence and carelessness of Defendant CRST Expedited, Inc., acting by and through its employee Defendant Medina described herein, Plaintiff Thomas C. Grey was injured and suffered damages, including tension pneumothorax, traumatic brain injury, sternal fracture, and multiple rib fractures. Plaintiff underwent extensive medical care and surgeries for his injuries. In addition to those physical injuries listed herein, Plaintiff suffered and continues to suffer from mental injuries including residual posttraumatic stress disorder, flashbacks, nightmares and anxiety related to the accident. Plaintiff will need additional medical care in the future. Plaintiff has suffered pain in the past and will do so in the future. Plaintiff has received permanent injuries and disability from Defendants negligence.

25. As a result of his injuries, Plaintiff has sustained, and will in the future sustain, damages for medical bills and costs relating to medical treatment for his injuries.

26. As a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff missed work and lost wages in the past and will in the future.

WHEREFORE, Plaintiff Thomas C. Gray prays for a judgment against CRST Expedited, Inc. and Defendant Alejandro Medina for his damages in an amount determined by the jury greater than the $25,000.00 jurisdictional limits of this Court, and for any further just and proper relief.

COUNT IV

COMES NOW, Plaintiff Thomas C. Gray, and states the following for his cause of action against Defendant Justin Madill:

27. Plaintiff adopts and incorporates the Allegations Applicable to All Counts as though fully set forth herein.

28. Immediately before the impact with Defendant Medina, the Plaintiff was in the left lane of Highway 70 westbound. Plaintiff passed ahead of Defendant Madill who was in the right lane. Defendant Madill then proceeded to merge left into the lane immediately behind the Plaintiff's trailer and stayed close behind.

29. After Plaintiff struck Defendant Medina's trailer the Plaintiff's vehicle came to a sudden stop. Immediately after, Defendant Madill rear ended the Plaintiff's vehicle in a second impact. This second impact forced the Plaintiff's vehicle further forward and deeper into Defendant Medina's trailer and resulted in further compression of Plaintiff's body in his own vehicle. Consequently, Plaintiff was pinned in his vehicle for approximately three hours.

30. Plaintiff Gray was injured because of Defendant Madill's negligence in one or more of the following respects:

a) Defendant was driving too close to the Plaintiff;

b) Defendant failed to keep a careful lookout;

c) Defendant failed to obtain proper training and/or education to properly operate the vehicle he was driving at the time of the accident;

d) Defendant failed to keep a sufficient distance between himself and the Plaintiff;

e) Defendant knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped and/or swerved, and/or slackened speed, and/or sounded a warning but failed to do so.

31. As a direct and proximate result of the negligence and carelessness of Defendant Madill described herein, Plaintiff Thomas C. Gray was injured and suffered damages, including tension pneumothorax, traumatic brain injury, sternal fracture, and multiple rib fractures. Plaintiff underwent extensive medical care and surgery for his injuries. Plaintiff will need additional medical care in the future. In addition to those physical injuries listed herein, Plaintiff suffered and continues to suffer from mental injuries including residual posttraumatic stress disorder, flashbacks, nightmares and anxiety related to the accident. Plaintiff has suffered pain in the past and will do so in the future. Plaintiff has received permanent injuries and disability from Defendants negligence.

32. As a result of his injuries, Plaintiff has sustained, and will in the future sustain, damages for medical bills and costs relating to medical treatment for his injuries.

33. As a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff missed work and lost wages in the past and will in the future.

WHEREFORE, Plaintiff Thomas C. Gray prays for a judgment against Defendant Justin Madill for all his damages in an amount determined by the jury greater than the $25,000.00 jurisdictional limits of this Court, and for any further just and proper relief.

COUNT V

COMES NOW, Plaintiff Thomas C. Gray, and states the following for his cause of action Defendant Las Animas Transfer, Inc.:

34. Plaintiff adopts and incorporates the Allegations Applicable to All Counts as though fully set forth herein.

35. As the employer and principle of Defendant Madill, Defendant Las Animas Transfer, Inc. is vicariously liable for the actions of Defendant Madill.

36. Plaintiff Thomas C. Gray was injured because of the negligence of Defendant Las Animas Transfer, Inc., acting through its employee and agent Defendant Madill, in one or more of the following respects:

a) Defendant was driving too close to the Plaintiff;

b) Defendant failed to keep a careful lookout;

c) Defendant failed to obtain proper training and/or education for Defendant Madill to properly operate the vehicle he was driving at the time of the accident;

d) Defendant failed to keep a sufficient distance between himself and the Plaintiff;

e) Defendant knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped and/or swerved, and/or slackened speed, and/or sounded a warning but failed to do so;

f) Defendant failed to properly inspect the vehicle Defendant Madill was driving at the time of the accident and/or failed to repair or replace defective, broken or damages parts of the vehicle including, but not limited to, the brakes.

37. As a direct and proximate result of the negligence and carelessness of Defendant Las Animas Transfer, Inc. described herein, Plaintiff Thomas C. Gray was injured and suffered damages, including tension pneumothorax, traumatic brain injury, sternal fracture, and multiple rib fractures. Plaintiff underwent extensive medical care and surgery for his injuries. Plaintiff will need additional medical care in the future. In addition to those physical injuries listed herein, Plaintiff suffered and continues to suffer from mental injuries including residual posttraumatic stress disorder, flashbacks, nightmares and anxiety related to the accident. Plaintiff has suffered pain in the past and will do so in the future. Plaintiff has received permanent injuries and disability from Defendants negligence.

38. As a result of his injuries, Plaintiff has sustained, and will in the future sustain, damages for medical bills and costs relating to medical treatment for his injuries.

39. As a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff missed work and lost wages in the past and will in the future.

WHEREFORE, Plaintiff Thomas C. Gray prays for a judgment against Defendant Las Animas Transfer, Inc. all his damages in an amount determined by the jury greater than the $25,000.00 jurisdictional limits of this Court, and for any further just and proper relief.

Respectfully submitted,

BURGER LAW, LLC

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12283 Olive Boulevard
St. Louis, Missouri 63141
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Facsimile: (314) 434-4459
gary@burgerlaw.com
Attorney for Plaintiff

IN THE 12TH JUDICIAL CIRCUIT COURT, WARREN COUNTY, MISSOURI

Judge or Division: WESLEY CLAY DALTON	Case Number: 16BB-CC00074
Plaintiff/Petitioner: THOMAS GRAY vs.	Plaintiff's/Petitioner's Attorney/Address: GARY KARL BURGER JR. 500 N BROADWAY STE 1350 SAINT LOUIS, MO 63102
Defendant/Respondent: ALEJANDRO MEDINA	Court Address: 104 WEST MAIN STREET SUITE G WARRENTON, MO 63383
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: LAS ANIMAS TRANSFER, INC
Alias:

242 BENT AVE.
LAS ANIMAS, CO 81054

COURT SEAL OF
CIRCUIT COURT OF MISSOURI
WARREN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

10/19/16 ______ Date

Brenda Eggering /kh ______ Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is ____________ of ____________ County, ____________ (state).
3. I have served the above summons by: (check one)
   - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
   - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with ____________, a person of the Defendant's/Respondent's family over the age of 15 years.
   - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to ____________ (name) ____________ (title).
   - ☐ other (describe) ____________.

Served at ____________ (address)
in ____________ County, ____________ (state), on ____________ (date) at ____________ (time).

____________ Printed Name of Sheriff or Server

____________ Signature of Sheriff or Server

Subscribed and Sworn To me before this ______ (day) ______ (month) ______ (year)

I am: (check one)
- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

____________ Signature and Title

Service Fees, if applicable

Summons	$______
Non Est	$______
Mileage	$______ (______ miles @ $ ______ per mile)
Total	$______

See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.